

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

EDWIN JACOBS

CIVIL ACTION NO:

VERSUS

JUDGE:

SAM'S EAST, INC.

MAGISTRATE:

NOTICE OF REMOVAL AND JURY DEMAND

TO: Amy Greenwald – Deputy-in-Charge
United States District Court
Western District of Louisiana
Clerk of Court
300 Fannin Street, Suite 1167
Shreveport, LA 71101

Jason B. Nichols
Rice & Kendig, LLC
1030 Kings Highway
Shreveport, LA 71104
ATTORNEY FOR PLAINTIFF

NOW INTO COURT, through undersigned counsel, comes SAM'S EAST, INC. ("Sam's"), defendant in the above-entitled cause, and appearing solely for the purpose of presenting this Notice of Removal of the above-entitled cause to this Honorable Court under the provisions of 28 U.S.C. § 1441, *et seq.*, and reserving all rights, respectfully shows as follows:

1.

This suit was filed by plaintiff in the 26th Judicial District Court, Civil Action No.: C-166707 Bossier Parish, Louisiana, on February 9, 2022. (Ex. A). Sam's was served with a copy of plaintiffs' Petition and Citation on or about February 15, 2022. Id.

2.

Sam's answered plaintiff's Petition on April 7, 2022. (Ex. B).

3.

Plaintiff is a citizen of Louisiana. (Ex. A).

4.

Sam's is an Arkansas corporation with its principal place of business in Bentonville, Arkansas. Accordingly, for diversity purposes, Sam's is a citizen of Arkansas.

5.

In his Petition, plaintiff alleges that he injured his neck, back, hip and head when he fell while trying to lift a box containing a barbecue grill in Sam's Club store #4109, located at 2861 Beene Blvd., Bossier City, Louisiana. (Ex. A, ¶¶ 3, 9).

6.

Consistent with Louisiana law, plaintiff does not allege any specific monetary amount of the value of his claims in his Petition.

7.

On May 9, 2022, Sam's received answers to written discovery from plaintiff in which Sam's learned for the first time that plaintiff is seeking damages in excess of \$75,000, exclusive of interest and costs, in this matter. (Ex. C).

8.

Based upon this admission from plaintiff, Sam's alleges that the amount in controversy in this suit exceeds \$75,000.00, exclusive of interest and costs.

9.

Pursuant to 28 USC § 1446(b), this Notice of Removal is timely because the Notice of Removal is filed within one year after the commencement of the action and within thirty (30) days of receipt by the defendant of the notice of the amount in controversy.

10.

This Court has jurisdiction of this cause of action under 28 USC § 1332.

11.

The proper court for removal is the United States District Court for the Western District of Louisiana.

12.

Sam's requests a trial by jury as to all issues triable by a jury.

13.

Sam's further shows unto the Court that immediately upon the filing of this Notice of Removal, a copy of same shall be served upon all adverse parties and a copy filed with the Clerk of the 26th Judicial District Court, Bossier Parish, Louisiana, all in accordance with 28 USC § 1446(d).

14.

Pursuant to Rule 11 of the Federal Rules of Civil Procedure, undersigned counsel certifies that he has read the foregoing Notice of Removal, that, to the best of his knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the costs of litigation.

WHEREFORE, Sam's East, Inc. removes the above-entitled case from the state court to this Court and prays for a trial by jury.

Respectfully submitted,

CHADWICK, ODOM, & STOKES, LLC

BY: W. Alex Hooper

R. O'Neal Chadwick, Jr. (#19517)
nchadwick@chadwicklawpartners.com

Gregory B. Odom, II (#33470)
godom@chadwicklawpartners.com

Jonathan D. Stokes (#34111)
jstokes@chadwicklawpartners.com

W. Alex Hooper (#39483)
ahooper@chadwicklawpartners.com

Jacob R. Joffrion (#38787)
jjoffrion@chadwicklawpartner.com

P.O. Box 12114

Alexandria, LA 71315

Telephone: (318) 445-9899

Facsimile: (318) 445-9470

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing Notice of Removal has been served on all counsel of record by fax, the 18th day of May 2022.

W. Alex Hooper

W. Alex Hooper (#39483)